

**MINUTES SILVER CREEK TOWNSHIP  
REGULAR BOARD MEETING HELD ON JANUARY 14, 2015**

The meeting was called to order by Supervisor Bill Saunders at 7:00 p.m. on Wednesday, January 14, 2015. The Pledge of Allegiance to the Flag of the United States of America was led by Supervisor Saunders.

MEMBERS PRESENT: Supervisor Bill Saunders, Treasurer Maureen Kuriata, Clerk Barbara Runyon, Trustee Joel Moore and Trustee Mike Glynn.

OTHERS PRESENT: Attorney John Magyar.

**APPROVAL OF AGENDA**

Trustee Moore moved, seconded by Treasurer Kuriata, to approve the January 14, 2015 Silver Creek Township Agenda. Motion carried by voice vote.

**PUBLIC COMMENT**

John Joosen questioned the Special Meeting Minutes regarding the township approving \$19,000.00. Supervisor Saunders advised it was due to a lawsuit.

**PRESENTATION**

Ruth Morton Fazio from American Legal Publishing Corporation presented on codifying the township ordinances.

**APPROVAL OF MINUTES**

Trustee Glynn moved, seconded by Supervisor Saunders, to approve the Minutes of the Regular Meeting of December 10, 2014 and the Special Meeting of January 7, 2015. Motion carried by voice vote.

**APPROVAL OF BILLS AND CLAIMS**

Treasurer Kuriata reported the bills and claims for January 14, 2015. Clerk Runyon moved, seconded by Trustee Moore, to approve the following bills and claims in the total amount of \$128,900.42 as follows:

FROM THE GENERAL FUND	\$43,107.27
FROM THE INDIAN LAKE SEWER FUND	\$74,262.27
FROM THE PUBLIC SAFETY FUND	\$ 3,902.92
FROM THE BUILDING DEPARTMENT FUND	\$ 5,068.85
FROM THE INDIAN LAKE WEED CONTROL FUND	\$ 454.11
FROM PARKS & RECREATION FUND	\$ 125.00
FROM MAGICIAN LAKE WEED CONTROL FUND	\$ 1,980.00
 GRAND TOTAL OF DISBURSEMENTS:	 \$128,900.42

The Supervisor directed the Clerk to take roll:

Yes (5): Trustee Glynn, Trustee Moore, Supervisor Saunders, Clerk Runyon and Treasurer Kuriata.

No (0): None.

Absent (0): None.

Motion carried by roll call vote.

### **READING OF COMMUNICATION**

No communication reported.

### **POLICE REPORT**

26 complaints; 10 warnings, 5 tickets, 1 accidents policed, 1 arrest, 1 assist other agencies, 6 assisted other police agencies.

### **HEALTH & SERVICE REPORTS**

**Indian Lake Fire Department:** No report.

**Sister Lakes Fire Department:** No report.

**Pride Care Ambulance Report:** December - 10 calls with an average response time of 9:22 minutes. Extended response times with explanation were reported.

### **TOWNSHIP ATTORNEY'S REPORT**

Attorney Magyar reported that he has been in contact with the soccer association regarding their contract, and they are waiting for additional information from AYSO before it can be completed. He also reported that he is working on the weed control contracts.

### **BUILDING & ZONING INSPECTOR'S REPORT**

Building and Zoning Inspector Todd Herter reported 5 building permits for a total estimated cost of \$233,760.00. He has issued three zoning compliance permits.

### **BLIGHT ADMINISTRATOR'S REPORT**

Kenneth Wray reported 1 complaint investigated; 2 letters of notice; 1 second complaint; 12 cases pending and reviewed; 6 re-inspections in progress; 3 reports of re-inspection to attorney; reviewed files; and met with Interim Blight Inspector Walter Lehmann. Mr. Wray indicated that the December statistics were provided by Mr. Lehmann.

## APPEALS BOARD REPORT

Nothing to report.

## PLANNING/ZONING COMMISSION REPORT

Walter Lehmann provided the Planning Commission Report, reporting on the December 17, 2014 meeting. The commission is continuing to review proposed zoning ordinances. They will meet on January 28, 2015 at 7:00 p.m.

## STANDING INSPECTORS REPORT

**Electrical Inspector:** 1 permits

**Plumbing Inspector:** 2 permits

**Mechanical Inspector:** 5 permits

**Liquor Inspector:** 5 inspections and no violations

## TREASURER'S REPORT

Treasurer Kuriata reported fund balances as follows:

General Fund	\$231,010.56
Indian Lake Sewer Maintenance Fund	\$133,843.06

She also provided a CD Fund Report.

## OPERATIONAL REPORTS

**Indian Lake & Sister Lakes Sewer:** Nothing to report.

**Parks and Recreation Committee:** Trustee Moore reported that the January 2015 Russom Park Committee meeting has been cancelled. They will meet on February 16<sup>th</sup> at 6:00 p.m. at Dowagiac City Hall. No meeting is currently scheduled for the Silver Creek Township Parks & Recreation Board.

**Public Safety Committee:** Trustee Moore advised that the Public Safety Committee met on January 13<sup>th</sup> and reviewed response times for Pride Care. The Committee suggested that they assist the township board with the upcoming Fire Department and Pride Care Contracts which expire on April 1, 2015. They will then make recommendations to the township board. Discussion and questions followed.

## UNFINISHED BUSINESS

Trustee Glynn moved, seconded by Clerk Runyon, to adopt Resolution R15-01 as follows:

## **TOWNSHIP OF SILVER CREEK COUNTY OF CASS**

**STATE OF MICHIGAN  
RESOLUTION NO. R15-01**

**RESOLUTION TO APPROVE SILVER CREEK TOWNSHIP  
HALL LEASE AGREEMENT**

Whereas, the Silver Creek Township Hall is under the control and supervision of the Silver Creek Township Board which makes the rules and regulations regarding use;

Whereas, the Silver Creek Township Board determines that it is in the best interest of the residents of Silver Creek Township to allow the use of the Silver Creek Township Hall meeting room, kitchen facility and bathrooms;

Whereas, a Lease Agreement for the Use of Silver Creek Township Hall must be adopted;

NOW THEREFORE BE IT RESOLVED, that the following Lease Agreement for the Use of Silver Creek Township Hall is adopted effective immediately:

**SILVER CREEK TOWNSHIP HALL  
AGREEMENT FOR USE OF SILVER CREEK TOWNSHIP HALL  
32764 DIXON STREET  
DOWAGIAC, MICHIGAN**

LEASE AGREEMENT, made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, by and between Silver Creek Township, hereinafter designated as "Township" and \_\_\_\_\_, hereinafter designated "Lessee", WITNESS TO: In consideration of the covenants and conditions hereinafter contained, IT IS HEREBY AGREED by and between the parties hereto as follows:

LESSEE:

Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Address: \_\_\_\_\_ Email: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

**WITNESSTH THAT:**

1. Lessor in consideration of the covenants made by Lessee herein, hereby leases to Lessee for the use by said Lessee only the property located at 32764 Dixon Street, Dowagiac, Michigan, including Lessee's use of the parking lot for Lessee and Lessee's guest, and only on the following date:

DAY/DATE: \_\_\_\_\_

TIME: \_\_\_\_\_

EVENT: \_\_\_\_\_  
ESTIMATED ATTENDANCE: \_\_\_\_\_

*No more than maximum capacity of 72*

2. **FEE:** Lessor, upon payment of rental fee of \$50.00 plus a security deposit of \$150.00, agrees to permit Lessee to have exclusive use of the large meeting room, bathrooms, and kitchen at 32764 Dixon Street, Dowagiac, Michigan. The security deposit is refundable 3 weeks after the rental date, provided there is no damage done to said property.
3. **RESERVATION TERMS:** The Lessee's security deposit, along with this signed agreement, is due within ten (10) calendar days after making your reservation. Reservations for the following year may be made on or after the first business day in January of the current year. The \$50.00 rental fee is due no later than sixty (60) days prior to Lessee's rental date. If the rental fee is not received within the allotted time, the LESSOR reserves the right to keep the Lessee's security deposit and the Lessee automatically forfeits the Lessee's reservation rights, and said property is opened for rental date usage.
4. **ALCOHOLIC BEVERAGES:** The use of alcoholic beverages is strictly prohibited. It shall be the duty of the Lessee to inform any of Lessee's licensees or invitees of the provisions contained in this lease, including, but not limited to, refraining from the use of or consumption of any alcoholic beverages, or from doing or suffering to be done by any illegal act within or upon the premises.
5. **MINIMUM AGE:** The Lessee must be twenty-one (21) years of age to rent this property and provide proper identification (i.e. valid driver's license).
6. **HOURS OF USE:** Said property is available for use during the periods of time as described above, but no earlier than 9:00 a.m. and later than 9:00 p.m. Any extension of that must be agreed upon in writing by all parties of this agreement.
7. **FOOD:** The Lessor and their employees are not responsible for food or drinks which are delivered ahead of the scheduled activity or left after the activity.
8. **KITCHEN FACILITIES:** The Lessee may use the kitchen and the kitchen stove and microwave for heating or re-heating of food, and the refrigeration for storage. It is understood that all food will be removed from the Township upon completion of the event, and the kitchen will be left in the condition it was found.
9. **DECORATIONS:** Only freestanding decorations may be used. Nothing is to be affixed to walls, ceilings, windows, doors, et cetera.
10. **CLEANUP:** The Lessee is solely responsible for cleanup of said property. All trash must be bagged and deposited in proper receptacle. If said property is not cleaned, the Lessee will forfeit their security deposit.
11. **SECURITY:** It shall be the Lessee's responsibility to secure and maintain security and shall be the sole expense of the Lessee.
12. **SMOKING:** Smoking is strictly prohibited inside said rental property.

- 13. **BUILDING CAPACITY:** The number of persons attending this function shall not exceed 72, the capacity of the building as mandated by the State of Michigan Fire Marshall.
- 14. **LEGAL:** Lessee shall comply with all the laws of the United States of America and the State of Michigan, and with all ordinances of Silver Creek Township in its use, and will not permit anything to be done on said property in violation thereof. If the Lessee shall violate any of the terms or conditions of this Agreement, the Lessor shall have the right to immediately cancel this Agreement without notice or refund, and the Lessor may pursue all of the rights and remedies at law or inequity including, without limitation, the right to recover court costs and attorney fees.
- 15. **INDEMNIFICATION:** Lessee hereby agrees to indemnify and hold Lessor harmless from and against any and all claims, including claimed litigation expenses, court costs, and attorney fees arising out of Lessee's said use of property and to indemnify and hold Lessor harmless from and against any judgment based on any such claims.
- 16. **CANCELLATION:** Should the Lessee decide to cancel their reservation, the amount received is refundable upon written request to the Silver Creek Township Clerk a minimum of fifteen (15) calendar days prior to the rental date. No rain check or refunds will be given due to bad weather or late cancellations.
- 17. **INSURANCE:** Lessee hereby acknowledges that no alcoholic beverages will be furnished by Lessee or consumed at Lessee's event. Lessee shall submit to Lessor evidence that general liability insurance (may be from Lessee's homeowner's or renter's insurance, if appropriate) showing limits of liability not less than \$500,000.00 prior to the event.
- 18. **PERSONAL PROPERTY:** Lessor assumes no responsibility whatsoever for any property placed in or on said described property by Lessee and/or Lessee's guest and Lessor is hereby expressly released and discharged by Lessee from any and all liability for such loss. All personal property must be removed from the township at the conclusion of the event.

In Witness whereby, the Silver Creek Township Board, by its duly appointed officers or agent as Lessor and the Lessee named above have caused this agreement to be signed and dated.

Lessor: \_\_\_\_\_ Date: \_\_\_\_\_

Security Deposit Paid: \$ \_\_\_\_\_ Date: \_\_\_\_\_

Rental Fee Paid: \$ \_\_\_\_\_ Date: \_\_\_\_\_

Discussion followed regarding limits of liability and the board agreed to \$500,000.00. Discussion was also held regarding lessee getting access to the township, and it was decided that it would be included on an instruction sheet. Trustee Glynn recommended a key box being placed in the lobby.

The Supervisor instructed the Clerk to take roll:

Yes (5): Trustee Moore, Supervisor Saunders, Clerk Runyon, Treasurer Kuriata and Trustee Glynn.

No (0): None.

Absent (0): None.

Resolution R15-01 carried by roll call vote.

**NEW BUSINESS**

Clerk Runyon moved, seconded by Trustee Moore, to approve Resolution R15-02 as follows:

**TOWNSHIP OF SILVER CREEK  
COUNTY OF CASS  
STATE OF MICHIGAN  
RESOLUTION NO. R15-02**

**RESOLUTION TO APPROVE AND RECORD  
DECLARATION AND NOTICE  
FOR RUSSOM PARK**

Whereas, Silver Creek Township, Michigan entered into an Development Project Agreement with the Michigan Department of Natural Resources for and on behalf of the State of Michigan on September 13, 2012 and October 5, 2012 respectively, for the development of Russom Park, Grant Number TF11-017; and;

Whereas, said Russom Park project is now completed; and;

Whereas, Michigan Department of Natural Resources requires that a Declaration of Notice be approved and recorded with the Cass County Register of Deeds;

NOW, THEREFORE BE IT RESOLVED, that the Silver Creek Township Board approve the attached Declaration and Notice, and that said Declaration and Notice with attached boundary map be recorded at the Cass County Register of Deeds Office;

Further, that Supervisor Bill Saunders is authorized to sign said Declaration and Notice.

The Supervisor instructed the Clerk to take roll:

Yes (5): Supervisor Saunders, Clerk Runyon, Treasurer Kuriata, Trustee Glynn and Trustee Moore.

No (0): None.

Absent (0): None.

Resolution R15-02 carried by roll call vote.

**MOTION FOR RENEWAL OF SPECIAL USE PERMITS**

Treasurer Kuriata moved, seconded by Trustee Moore, for the Renewal of Special Use Permits for Dependent Mobile Homes on Ag/Residential Property for the following properties:

Winifred Arndt	14-130-026-006-10
Margaret Nodruff	14-130-010-004-00
Robert & Margaret Zuhl	14-130-016-009-00

Motion carried by voice vote.

Clerk Runyon noted she had received a letter from Paul Busick regarding Gertrude Busick's renewal. Attorney Magyar stated that he will be sending out letters to the Busick property owners regarding this issue, inviting them to attend the February 11<sup>th</sup> board meeting.

**MOTION TO SCHEDULE BUDGET WORKSHOP  
AND PUBLIC HEARING FOR ADOPTION OF BUDGET**

Supervisor Saunders moved, seconded by Clerk Runyon, to schedule the 2015/2016 Budget Workshop for Saturday, March 7, 2015 at noon and the public hearing for the adoption of the budget on Wednesday, March 11, 2015 at 7:00 p.m. prior to the regular board meeting.

Motion carried by voice vote.

**MOTION FOR LINE ITEM TRANSFER**

Trustee Moore moved, seconded by Treasurer Kuriata, for the following General Fund line item transfers:

\$10,000.00 from Line Item 101-225-702 (Representation at Tax Tribunal)

\$5,000.00 from 101-996-998 (Contingencies)

Transfer \$15,000.00 to Line Item 101-826 (General Legal)

Discussion and questions followed.

The Supervisor instructed the Clerk to take roll:

Yes (5): Clerk Runyon, Treasurer Kuriata, Trustee Glynn, Trustee Moore and Supervisor Saunders.

No (0): None.

Absent (0): None.



Motion carried by roll call vote.

**OTHER BUSINESS**

Supervisor Saunders reported that municipalities administering and enforcing agencies for the State Construction Code have been notified that we must now provide or have access to a library of referenced codes and standards within those codes. The cost for essential standards is \$30,000; a full library is over \$100,000. He advised that the township received a letter from Bauckham, Sparks, Lohrstorfer, Thall & Seeber, Attorneys at Law, who are creating a consortium of municipal entities, and asked if we would be interested in joining for a cost of \$3,000.00. The library would be housed at the Mottville Township Hall. Supervisor Saunders also indicated that he had been in contact with Tom Deneau of Wightman & Associates who may be interested in doing something similar.

Discussion was held. Supervisor Saunders will keep the board updated.

**PUBLIC COMMENT**

Tom Lehrer asked that additional information be added on the township sign. He and Clerk Runyon will work on it.

Supervisor Saunders instructed the Public Safety Committee review and meet with the entities regarding the Pride Care Contract, Indian Lake Fire Department Contract and Sister Lakes Fire Department Contract and make recommendations to the township board.

The meeting was adjourned at 8:26 p.m. at the call of the Supervisor.

Dated: January 15, 2015  
To be approved at the  
February 11, 2015 Board Meeting

\_\_\_\_\_  
Barbara Runyon, Clerk